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October 24, 2023

Via E-Filing

The Honorable Magdeline D. Coleman
900 Market Street
Suite 400
Philadelphia, PA 19107

RE: In re. Brown, Adversary No. 22-00034

Dear Judge Coleman:

We represent Jonathan and Christine Sethna (the “Sethnas”) in the above-noted adversary proceeding. Following a telephone conference with me and with counsel for Richard S. Brown (“Brown”) on September 5, 2023, the Court instructed the parties to file a statement of stipulated facts and disputed issues of law on or before October 20, 2023, and set a trial date for November 6, 2023 (Adv. Pro. No. 55). The parties filed their joint Statement of Stipulated Facts and Disputed Issues of Law (the “Stipulation”) in accordance with the Court’s directive on October 20, 2023 (Adv. Pro. No. 56). A copy of the Stipulation is enclosed for the Court’s convenient reference.

The parties jointly write to request the Court’s consideration of a proposal to allow the Court to render a decision on the outstanding legal issues in dispute and potentially allow both the Court and the parties to avoid the time and expense associated with trial. As set forth in the Stipulation, there are relatively few factual issues that remain for this Court to resolve at trial. Most significantly, the parties agree that should the Court resolve some or all of the disputed issues of law in the Sethnas’ favor, the need to resolve the outstanding factual disputes to be tried will be narrowed – if not eliminated in entirety.

For that reason, the parties respectfully submit that it would be in the interests of judicial economy for the Court to first receive briefing and render its decision on the outstanding legal issues before proceeding to a trial in this matter. The parties are further in agreement that each of the threshold legal issues identified in the Stipulation are ripe for disposition as a matter of law based on the stipulated facts presented therein. If the Court is receptive to the parties’

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proposal, the parties request the entry of a briefing schedule on the outstanding legal issues and a continuance of the current trial date of November 6, 2023. The parties stand ready to prepare and submit briefing at the Court's invitation, and will likewise be prepared to proceed to trial in the event that the Court thereafter determines that a trial is necessary to fully and completely resolve the limited claims and defenses that remain at issue in this action.

We appreciate the Court's consideration of this request. Should Your Honor wish to discuss the parties' proposal, or the briefing schedule proposed herein, please so advise and I will be happy to coordinate with counsel for Brown to appear on a date and at a time convenient to the Court.

Respectfully submitted,

WHITE AND WILLIAMS LLP

A handwritten signature in black ink, appearing to read 'VNB', with a stylized flourish extending from the end.

Vincent N. Barbera

VNB:me

Enclosure

cc: David Banks, Esquire (By ECF)